

ENTERED

February 14, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JIMMY BIRD, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. 4:20-CV-00275
§
THE NATIONAL AERONAUTICS AND §
SPACE AGENCY, *et al.*, §
§
Defendants. §

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court are three motions: the Motion to Dismiss (Doc. 25) filed by Defendant International Union of Operating Engineers Local 564 (“Union”); the Motion for Summary Judgment (Doc. 26) filed by Defendant PAE Applied Technologies, LLC (“PAE”); and the Motion for Summary Judgment (Doc. 27) filed by Union.

On January 18, 2022, Judge Palermo issued a Report and Recommendation (“R&R”) (Doc. 42), recommending that Union’s Motion for Summary Judgment (Doc. 27) be granted, Union’s Motion to Dismiss (Doc. 25) be denied as moot, and Plaintiff Jimmy Bird’s case against Union be dismissed with prejudice. The time for filing objections has passed, and no objections were filed.

On January 26, 2022, Judge Palermo issued an R&R (Doc. 43), recommending that PAE’s Motion for Summary Judgment (Doc. 26) be granted, and that Bird’s case against PAE be dismissed with prejudice. Again, the time for filing objections has passed, and no objections were filed.

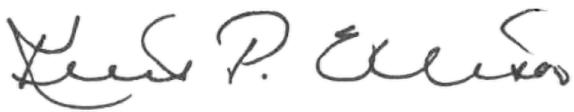
Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed both of Judge Palermo’s R&Rs for clear error. Finding no clear error, the Court adopts both R&Rs in their entirety. Accordingly, Union’s Motion for Summary Judgment (Doc. 27) is hereby **GRANTED**,

Union's Motion to Dismiss (Doc. 25) is **DENIED AS MOOT**, and PAE's Motion for Summary Judgment (Doc. 26) is hereby **GRANTED**. Bird's claims against Union and PAE are therefore **DISMISSED WITH PREJUDICE**.

As a result of this Order, Bird has no live claims against any defendants in this case. The Clerk is therefore directed to administratively **CLOSE** this case.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 14th day of February, 2022.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE